

### **III. RECOMMENDATIONS**

Given our interviews, we conclude that there is sufficient interest to proceed with the convening of a Working Group of interested parties to initiate the EPA Air Toxics Pilot in Cleveland.

We did identify four important concerns in our interviews:

- (1) interviewees stressed the importance of understanding the resources that will be available from EPA to make this pilot a success;
- (2) interviewees expressed a strong interest in understanding and assessing the nature of air toxics in their area and in the ability to measure the effects of their reduction actions;
- (3) interviewees stressed the importance of a commitment by EPA to work with the community beyond December 2001 in order to achieve real and substantial gains in air quality; and,
- (4) interviewees stressed the importance of the U.S. EPA, the Ohio EPA, and the City of Cleveland in continuing, and improving, their regulatory oversight (i.e., monitoring and enforcement) of air toxics emissions in Cleveland.

The recommendations we offer below are our best advice for initiating the pilot's Working Group, including the selection of representatives, technical assistance, groundrules, and initial meeting agendas. However, it is important to note that since this is a voluntary, stakeholder-driven process, we recommend that the participants in the Working Group seek to refine these recommendations to best meet their interests, and, in the first few months of operation, to collectively develop a work plan that will guide their efforts over the longer term.

#### **A. WORKING GROUP COMPOSITION**

In our interviews, we asked: "What kinds of stakeholders need to be represented on a Working Group for the pilot to be inclusive, representative, and balanced?" Interviewees offered a range of ideas and suggestions, and from these comments we identified six stakeholder groups that should be represented on a Working Group. They are (see Attachment C: Diagram of the Working Group Composition as recommended by CBI):

- Neighborhood residents
- Stationary air toxics sources both large and small
- Indoor air toxics sources
- Mobile air toxics sources
- Environmental advocacy groups
- City, County, State, and Federal environmental agencies

Please note that we have separated air toxics sources for convening purposes, but in practice, specific air toxics can come from multiple sources, and one source may result in multiple exposures. For instance, dry cleaners may emit air toxics that result not only in exposure

adjacent to the source in outdoor air, but in indoor air in homes as well. Please also note that in some cases we classified government agencies as sources either because they are direct sources or represent sources. For instance, the RTA is a source due to its large bus fleet.

Most interviewees stated that the group should have no more than 30 members (some suggested fewer and no one suggested more than 30) in order to be inclusive while also ensuring the group is small enough to make progress and complete work efficiently. Given these comments, seeking to balance the goals of efficiency, effectiveness, and inclusiveness, we recommend a stakeholder group of no more than 30 members, with member “slots” assigned roughly evenly across stakeholder groups with the exception of the two neighborhoods, which we recommend should have more representatives. We make this recommendation for larger neighborhood participation due to: (1) the importance of the neighborhood approach to this pilot; (2) the importance of adequate representation from both neighborhoods and the range of views within neighborhoods; and, (3) the importance of sufficient numbers so that neighborhood representatives do not feel “outnumbered” by the number of professional and technical members. We do recommend that Working Group decisions be made by consensus. In our view, therefore, the exact number of representatives per stakeholder group is less important because the group must seek to meet everyone’s interests, rather than exclude a substantial minority through a simple majority vote. Please see Attachment D for a list of all the recommended groundrules.

The EPA Air Toxics Pilot is voluntary, seeks to encourage and result in concrete, air toxic reduction activities, and is neighborhood-centered in the Cleveland neighborhoods of Slavic Village and St. Clair Superior. Therefore, we recommend the following criteria for membership on the Working Group:

- Those who are interested and *volunteer* to participate.
- Those who can meet the *commitments of membership* outlined in the groundrules (active, on-going, consistent participation in meetings and subcommittees, etc.).
- Those who can make commitments to *implement specific risk reduction activities*, or, are willing to actively persuade and work with others to implement such activities.
- Those neighborhood residents who together *reflect roughly the socioeconomic, ethnic and racial balance* of their communities and are therefore more likely to reflect the diversity of views held by neighborhood residents on the issues.
- Those sources who represent businesses willing to participate and consider risk reduction activities in their businesses and are *direct sources of air toxics* or can fairly represent a range of businesses and activities that are sources of air toxics.
- Those *agencies who can offer technical assistance*, financial resources, and regulatory authority to the Working Group.

## **B. IDENTIFYING REPRESENTATIVES TO PARTICIPATE AS WORKING GROUP MEMBERS**

In order for the Working Group to convene by the summer of 2001, CBI recommends that we as neutral facilitators identify representatives of stakeholder groups as Working Group members. We would seek to do this between the release of this draft (early June) and June 28, 2001, the

scheduled date for the first meeting of the pilot project Working Group. The Working Group, however, would retain final approval over its own membership.

The process we would use for identifying representatives is described in detail below, but generally, we will seek to abide by the principles of self-selection and voluntary participation. CBI will do the following in order to bring specific representatives to the “table” by 28 June 2001.

- CBI will work with neighborhood Community Development Corporations to identify four representatives from each of the two neighborhoods. CBI will also work with additional, neighborhood-based groups to identify one to three additional neighborhood members to broaden the neighborhood representation further.
- CBI will work with environmental agencies to identify one representative each from the local, county, state, and federal level to participate. CBI will encourage agencies to select representatives who can both participate actively and who have sufficient authority to make commitments on behalf of their agencies.
- CBI will work with the environmental advocacy groups to have them select from among their groups four representatives to sit at the table. Please note that due to time and project scope, CBI was not able to interview every environmental group who has an interest in air quality in Cleveland. However, not having interviewed a particular environmental group does not mean that they cannot represent environmental interests on the Working Group, if so decided by the environmental advocacy community in Cleveland.
- In our interviews, CBI has identified several specific businesses/sources who have expressed an interest in participating. CBI will contact these businesses and seek their involvement. If CBI was not able to identify individual businesses of a certain kind (small, stationary sources, for instance), CBI will work with “proxy” organizations or agencies who might represent these interests. CBI will place a preference on companies who are active sources, rather than on companies who consult with or provide services to direct sources. Our interviewees expressed the importance of having sources represented as directly as possible at the table.

In some cases, we may not be able to identify four members in each category. In that case, we will leave “open slots” and the Working Group can decide in its first few meetings how best to fill these slots. CBI’s goal is to convene a fair, balanced, representative Working Group so that work can begin as soon as possible. At the same time, as noted in the groundrules, CBI recommends that the Working Group be open to adding new members if, at any time, a key interest is found to be missing and ought to be included in the Working Group to ensure the success of the pilot.

Please note that the member list as of 24 August 2001 is included as part of Attachment G.

We recommend that all the meetings of the Working Group be open to the public. If interested individuals/organizations are not represented directly at the table as Working Group members,

they will still be able to participate in the effort by attending meetings, receiving mailings, and assisting the group in initiating specific activities.

### **C. TECHNICAL ASSISTANCE**

Our interviewees stressed the importance of trusted, independent technical assistance to aid the Working Group in achieving its goals. Interviewees suggested a number of individuals and organizations that may be of assistance to the group, depending on the specific actions that the group decides to pursue. We have listed these recommended technical resources in Attachment E.

There is a range of possibilities that the Working Group might consider in organizing technical assistance. These possibilities are:

- Utilize existing regulatory agency technical expertise (EPA and other agencies have technical experts on staff who can be of assistance to the Working Group);
- Utilize individual, independent technical experts from universities, colleges, consulting firms, and/or trade organizations on specific issues that the group is working on (technical assistance to help implement a specific risk reduction activity, such as diesel retrofits or pollution prevention within a particular business);
- Jointly select a technical expert from a range of candidates who can offer the group assistance on a particular issue or problem; and/or
- Jointly form a technical subcommittee that can offer collective technical advice on any number of issues or problems.

Given that the process should be stakeholder-driven, at this time we do not recommend how best to access and organize technical assistance and support for this group. Instead, we recommend that the group convene, educate themselves further about air toxics and potential risk reduction activities, develop a work plan, and then seek to identify and utilize specific technical assistance.

### **D. GROUND RULES**

In Attachment D, we include the set of ground rules for guiding the Working Group in its operations that was adopted by the group in their second meeting on 31 July 2001. These ground rules were based on: (1) comments from interviewees; (2) project parameters as stated by EPA; (3) CBI's experience in forming and facilitating other stakeholder groups; (4) comments from the Working Group in their June and July 2001 meetings.

The ground rules attached describe in detail responsibilities of membership, communications among members, decisionmaking, role of the facilitators, agenda planning, and interaction with the media. Below, we highlight a few key points about the ground rules.

In order for this pilot to succeed, members on the Working Group will have to assume two key responsibilities. First, members will need to not only represent their own views, but the views of

their community, organization, or business. Thus, it will be important for members to provide information to the public and to their constituents to ensure that decisions made and agreements reached meet the interests not only of stakeholder members, but also of the larger stakeholder groups they represent. Second, because the goal of this pilot is actual air toxics reductions, members will need to make commitments and/or secure commitments from other local actors for concrete, specific risk reduction activities.

Many interviewees recommended that the group operate by consensus in order to ensure that all voices are heard and that actions selected by the Working Group have legitimacy and credibility. Thus, we recommend that decisions made by the group on such matters as operating rules, priorities, actions, and funding, be by consensus. In our view, consensus means that there is no dissent by any member. Granting “consent” means that each member can live with the decision and support its implementation. And, importantly, along with the *right* to offer consent or express dissent as a Working Group member, comes the *responsibility* of making clear the reasons for dissent and making every effort to offer an alternative proposal satisfactory to other members.

Sometimes groups highlight this responsibility by adding a groundrule that states: “No is not enough.” In other words, each and every group member retains the right to object to a proposal or recommendation, but each group member also has to go beyond just “no” to state clearly their reasoning for objecting and to offer alternative prescriptions or proposals that meet their interests and the interests of others in the group.

## **E. INITIAL MEETING AGENDAS/WORK PLAN**

In Attachment F, we offer a proposed agenda for the first Working Group meeting. In order to get things started, we proposed that an initial meeting be held **on Thursday, June 28, from 6:30 PM until 9:30 PM**. Please see the draft agenda for this first meeting. At the end of this first meeting, we recommended that the group identify a small subset of members to help plan the agendas for the remaining meetings over the summer.

Although the work plan will be developed by the Working Group, we expect that a very general workplan for the group might include the following:

- **First Meeting(s):** Introductions, agree on operating procedures and membership.
- **Second Meeting(s):** Learn what is known about air toxics generally, air toxics in Cleveland, and what kinds of specific activities might/can reduce air toxics
- **Third Meeting(s):** Develop a detailed, long-term work plan. Develop an overall communications strategy for sharing information and carrying out community outreach.
- **Later Meetings:** Gather additional information as needed. Identify the full range of risk reduction action options. Prioritize those options. Select one or two specific activities to conduct prior to December 31, 2001.
- **December Meeting:** Assess progress to-date and develop further work plan for 2002.

We recommend that the Working Group develop a long-term work plan once initial organizational and educational efforts are completed. In order for a large, consensus group to move forward, keep members interested, and achieve results, it is very important for such a group to develop a detailed work plan that can lay out goals and objectives, specific activities to achieve those goals, and a timeline for doing so. Work plans help align expectations, chart a clear course of direction, and focus the group on the substantive work at hand.

Please note that EPA has expressed a strong interest in initiating at least one or two specific air toxics reduction activities by December of this year. Our rough work plan includes this goal. At the same time, many interviewees stated that this is a worthwhile goal but that the Working Group should be given sufficient time and resources to organize, educate itself, identify the full range of possible activities, prioritize those activities, and then decide which activities to undertake.